

EXHIBIT I

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VIA EMAIL

Jonathan D. Davis, P.C.
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Re: Cease and Desist - Infringement of Copyright Owned by Emelike Nwosuocha

Dear Mr. Davis:

I write as counsel for Emelike Nwosuocha, a professional recording artist who performs under the stage name "Kidd Wes," in follow-up to a letter I sent you, dated December 7, 2020, to put you on notice of Mr. Nwowsuocha's retention of this firm to investigate and pursue a copyright infringement claim against you regarding the unauthorized use of protected elements of Mr. Nwosuocha's copyrighted sound recording entitled "Made in America" for the purposes of composing and recording the 2018 Childish Gambino (Donald Glover) song entitled "This is America." That previous letter's stated purpose was to afford you an opportunity to discuss a pre-suit resolution in good-faith, enabling both parties to avoid the need for lengthy, and likely costly, litigation and public scrutiny. We look forward to discussing this with you, but we also would like to reiterate our client's position prior to our discussion.

Mr. Nwowsuocha herein demands that Donald Glover, et al, immediately cease the infringing activity with regard to his copyright, desist from such infringing activity in the future and comply with Mr. Nwowsuocha's other requirements set forth in this letter.

As stated in my previous letter, Mr. Nwowsuocha composed, recorded, widely publicly-distributed, and copyrighted the infringed work, entitled "Made in America," well-before the infringing work, "This is America," was produced and/or publicly distributed. Mr. Nwowsuocha has exclusive rights per US copyright in the infringed work, which has been widely distributed by Mr. Nwowsuocha through YouTube, Apple Music, Spotify, Soundcloud, and Tidal, among other platforms, and is of substantial value to Mr. Nwowsuocha. Mr. Nwowsuocha has registered the copyright in the infringed work, "Made in America," with the US Copyright Office.

Mr. Glover, et al, have published, distributed, transmitted, disseminated, and publicly performed materials that incorporate substantial portions of Mr. Nwowsuocha copyright work. Specifically, as you know, the infringing work, “This is America,” contains certain unique distinct thematic, lyrical, rhythmic, and melodic central elements that are strikingly and unmistakably similar to those found in Mr. Nwowsuocha’s “Made in America” to a degree clearly beyond coincidence. No listener comparing the two songs, whether layperson or musicologist, will reasonably conclude otherwise.

There is no question but that “This is America” is substantially similar to the copyright-protected works of Mr. Nwowsuocha, and that Mr. Glover, et al, had access to Mr. Nwowsuocha’s infringed work that has been publicly accessible on all major music streaming platforms since significantly prior to production and/or wide public dissemination of infringing work “This is America.” Furthermore, Mr. Nwowsuocha’s has reserved all of its rights in his infringed work under copyright and has not authorized anyone to copyright, to reproduce, publish, provide, distribute, transmit, display, publicly perform, or otherwise make any use of such infringed work. Therefore, the continued use of Mr. Nwowsuocha’s copyright work is a clear infringement of Mr. Nwowsuocha’s copyrights in violation of Sections 106 and 501 of the Copyright Act.

Moreover, the extent of practically-identical copying from elements of Mr. Nwowsuocha’s copyrighted work establishes that the infringement was knowing and intentional. Because Mr. Nwowsuocha’s copyright was registered prior to Mr. Glover’s infringing activity, he may be liable for significant statutory damages for each instance of infringement, in addition to attorneys’ fees and other costs incurred by Mr. Nwowsuocha to enforce his rights.

Mr. Nwowsuocha treats copyright infringement as a very serious matter and fully enforces his rights against those who infringe. However, Mr. Nwowsuocha is currently still prepared to try to resolve this matter amicably – provided, however, that Mr. Glover, et al, cooperate fully with Mr. Nwowsuocha and establish to his satisfaction that this was an error of judgment and not a systematic effort by you, as a significant player in the music industry, to attempt to profit from infringing upon the intellectual property of Mr. Nwowsuocha as an independent artist.

Giving the foregoing, we demand that Mr. Glover, et al:

1. Immediately cease and desist from all further production, reproduction, publishing, provision, distribution, transmission, display, performance, advertising, licensing, and sale of materials that infringe Mr. Nwowsuocha’s works;
2. Destroy all such materials in inventory or otherwise in its possession or control, including all copies in electronic or printed form; and
3. Provide Mr. Nwowsuocha with a full accounting of all copies sold, licensed, or otherwise distributed and all proceeds therefrom.

Mr. Glover, et al, are specifically advised that any failure or delay in complying with these demands will likely compound the damages for which they may be liable. The above is not an exhaustive statement of all the relevant facts and law, and Mr. Nwowsuocha expressly reserves all of its equitable and legal rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Very Truly Yours,

/s/ Imran H. Ansari
Imran H. Ansari, Esq.